



Docket No.: 122.1422

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:  
Makoto ONOZAWA, et al.

Serial No. 09/702,889

Group Art Unit: 2133

Confirmation No. 8796

Filed: November 1, 2000

Examiner: Fritz Alphonse

For: PLASMA DISPLAY APPARATUS AND MANUFACTURING METHOD

**PETITION TO THE DIRECTOR UNDER 37 CFR §1.181**

**MAIL STOP PETITION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.181(a)(1), Applicants hereby seek relief from actions of the Examiner herein, Fritz Alphonse, and his supervisor, Examiner Albert Decady, in the prosecution of the subject application and in particular in relation to the Final Office Action mailed April 27, 2005 herein.

To the extent that this Petition is deemed not to lie under 37 CFR §1.181, then Applicants respectfully request that it be treated as a Petition under 37 CFR §1.182 and hereby authorize the Director to deduct the necessary petition fees set forth in 37 CFR §1.17(h) from Deposit Account No. 19-3935, as well as any other fee(s) required to be paid in support of this Petition.

**STATEMENT OF FACTS (37 CFR §1.181(b))**

The aforesaid Final Office Action mailed April 27, 2005 included, in Item 4 of the Action at pages 2-3, a rejection of claim 19 under 35 U.S.C. §112, paragraph 2 for indefiniteness.

In preparing a Response to the Final Office Action on or about September 21, 2005, Applicant's counsel for the first time recognized that the rejection of claim 19 under 35 U.S.C. §112, paragraph 2 rendered the Final Office Action premature, since claim 19 had been allowed in the preceding (non-final) Office Action mailed August 24, 2004 and had not been amended thereafter. But for the circumstance of the rejection of claim 19, Applicants' counsel was optimistic that the application could be placed in condition for allowance.

12/23/2005 HALI11 00000005 193935 09702889

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Applicants' counsel, accordingly, spoke with Examiner Alphonse in a telephone conference on or about September 21, 2005, to address the circumstance that the Final Office Action was premature, on the grounds as above noted, and to obtain the agreement of the Examiner, in light thereof, to withdraw the Final Office Action and issue a new, non-final Office Action.

Applicants' counsel further offered to, and did, forward by facsimile to Examiner Alphonse, a courtesy copy of a draft Response, as confirmed by the PTO facsimile receipt of the facsimile transmission cover page, respectively Exhibits A and B hereto. It is believed clear from a brief perusal of the Response that the application would have been placed in condition for allowance, upon entry of that Response.

Applicant called the Examiner from time to time subsequently to September 27, 2005 to discuss the request for withdrawing the finality since premature - - and, on October 27, 2005, the Examiner stated that he would be issuing the replacement non-final Office Action within a few days. Since October 27, 2005 was the full six-month extended response period to the Final Office Action mailed April 27, 2005, and to avoid the possibility of the application going abandoned. Applicants filed a Notice of Appeal on October 27, 2005 along with a Petition for a Three-Month Extension of Time. (Exhibit C hereto).

In a further discussion on November 3, 2005, the Examiner announced to Applicants' counsel that his supervisor would not permit him to withdraw the Final Office Action and to issue a new non-final Office Action; the Examiner then belatedly insisted that Applicants should have filed a Response to the existing Final Office Action. Applicants' counsel reminded the Examiner that the draft Response had been sent to him by facsimile on September 21, 2005 but had not been filed, in reliance on the Examiner's statement that the Examiner would withdraw the Final Office Action and issue a new non-final Office Action.

Applicants' counsel called the Examiner's supervisor A. Decady to request a discussion of the Examiner's response, but has not received a return telephone call.

Because of the Applicant's desire to continue prosecution and to avoid incurring the potential of yet further Extension of Time fees (as of the expiration on December 27, 2005 of two months from the filing of the Notice of Appeal), a Request For Continued Examination (RCE) is being filed concurrently herewith, with a Preliminary Amendment, copy enclosed as Exhibit D, based on the draft Response of Exhibit A.

Inasmuch as the Final Office Action was premature, Applicants submit that the proper procedure would have been for the Examiner to withdraw the Final Office Action of April 27, 2005 and issue a replacement Office Action, setting a new period for response from the mailing date of the Replacement Office Action.

**REQUEST FOR RELIEF**

Accordingly, Applicants request that the Commissioner order that the Final Office Action of April 27, 2005 be withdrawn and that a new Office Action be issued and, further, that the Extension of Time fee of \$1,020.00 and the Notice of Appeal fee of \$500.00, paid to maintain pendency, and the Request For Continued Examination (RCE) filing fee of \$790.00 be refunded to Applicants. (See Exhibit C)

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 21, 2005

By: \_\_\_\_\_

  
H. J. Staas  
Registration No. 22,010

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Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

**Confirmation Report - Memory Send**

Page : 001  
Date & Time: Sep-21-05 06:29pm  
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Start time : Sep-21 06:25pm  
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Pages sent : 015  
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**FACSIMILE TRANSMISSION**

September 21, 2005

TO : U.S. PATENT AND TRADEMARK OFFICE  
ATTN: EXAMINER FRITZ ALPHONSE (COURTSY COPY)  
Serial No. 09/702,889 - filed November 1, 2000  
Group Art Unit 2133  
Attorney's Docket No. 122.1422

FAX NO.: (571) 273-3813

TELEPHONE:

FROM: H. J. Staas

RE: RESPONSE

NO. OF PAGES (Including this Cover Sheet) 15

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Start time : Oct-27 06:19pm  
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S&H Form: (10/03)  
Attorney Docket No. 122.1422

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Makoto ONOZAWA, et al.

Application No.: 09/702,889

Filed: November 1, 2000

For: PLASMA DISPLAY APPARATUS AND MANUFACTURING METHOD

Group Art Unit: 2133

Examiner: ALPHONSE, FRITZ

### NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Attention: After Final

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed April 27, 2005 finally rejecting claims 1, 2, 5, 6, 8, 11, 12 and 19.  
The items checked below are appropriate:

#### 1. EXTENSION OF TIME PETITION AND FEE

☒ Attached is a petition for a Three-month extension of time for reply to the final rejection. \$ 1,020.00

#### 2. APPEAL FEE

☒ Other than a small entity 500.00

TOTAL FEE \$ 1,520.00

*Payla*



S&H Form: (10/03)  
Attorney Docket No. 122.1422

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Makoto ONOZAWA, et al.

Application No.: 09/702,889

Group Art Unit: 2133

Filed: November 1, 2000

Examiner: ALPHONSE, FRITZ

For: PLASMA DISPLAY APPARATUS AND MANUFACTURING METHOD

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X Attached is a petition for a Three-month extension  
of time for reply to the final rejection. \$ 1,020.00

2. APPEAL FEE

X Other than a small entity 500.00

**TOTAL FEE \$ 1,520.00**

4. OTHER: This Notice of Appeal is being filed under protest.

3. PAYMENT

X Check attached for the total fee of \$ 1,520.00.

X Charge Account 19-3935 for any fee deficiency.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: Oct. 27, 2005

By: [Signature]  
H. J. Staas  
Registration No. 22,010

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,

P.O. Box 1450, Alexandria, VA 22313-1450

on Oct. 27, 2005

STAAS & HALSEY

By: [Signature]

Date 10/27/05



Attorney Docket No. 122.1422

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Group Art Unit: 2133

Confirmation No.: 8796

Filed: November 1, 2000

Examiner: ALPHONSE, FRITZ

For: PLASMA DISPLAY APPARATUS AND MANUFACTURING METHOD

PETITION AND FEE FOR EXTENSION OF TIME

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to Rule 136(a), Applicant(s) hereby petition(s) the Commissioner for an extension of time into the Three month after the response due date, i.e., until October 27, 2005, for responding to the Office Action mailed April 27, 2005.

Please charge the appropriate fee set by 37 CFR §1.17 of \$1,020 to Deposit Account No. 19-3935.

The Commissioner is authorized to charge any Petition for Extension of Time fee for underpayment or credit any overpayment to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

Oct 27, 2005

By:

H. J. Staas  
Registration No. 22,010

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Washington, D.C. 20005  
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Facsimile: (202) 434-1501

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P.O. Box 1450, Alexandria, VA 22313-1450

on Oct 27, 2005  
STAAS & HALSEY

By:

Date

10/27/05